

Memorandum

Florida Department of Environmental Protection

TO: Trina L. Vielhauer, Bureau of Air Regulation
THROUGH: Jonathan K. Holtom, Title V Section *JH*
FROM: Tom Cascio *40M*
DATE: June 30, 2008
SUBJECT: Draft Air Permits Nos. 0850102-017-AC and 0850102-018-AV
Indiantown Cogeneration, L.P., Indiantown Cogeneration Facility
Air Construction Permit and Title V Air Operation Permit Revision

Attached for your review are the following items:

- Written Notice of Intent to Issue Air Permits;
- Public Notice of Intent to Issue Air Permits;
- Statement of Basis;
- Draft Permits; and
- P.E. Certification.

Attached is the draft air construction permit to correct the auxiliary boilers hours and draft/proposed permit package to revise the Title V air operation permit for the Indiantown Cogeneration Facility. This facility is located in Martin County at 13303 SW Silver Fox Lane, Indiantown, Florida. The Statement of Basis provides a summary of the project and the rationale for issuance. The P.E. certification briefly summarizes the proposed project.

The application was received and deemed complete on April 30, 2008. Day 90 is July 29, 2008. There is no ongoing/open enforcement case for this facility, as informed to us by the Southeast District Office. I recommend your approval of the attached Draft Permits.

Attachments

P.E. CERTIFICATION STATEMENT

PERMITTEE

Indiantown Cogeneration, L.P.
Post Office Box 1799
13303 SW Silver Fox Lane
Indiantown, Florida 34956

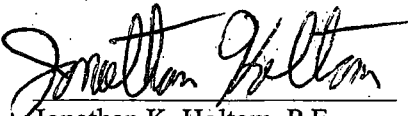
Draft 0850102-017-AC
Draft 0850102-018-AV
Facility ID No. 0850102
Indiantown Cogeneration Facility
Air Construction Permit and Title V
Air Operation Permit Revision
Martin County, Florida

PROJECT DESCRIPTION

The purpose of this project is to revise the Indiantown Cogeneration Facility's Title V air operation permit to (1) correct the permitted hours for the auxiliary boilers and (2) update the specific conditions related to New Source Performance Standards (NSPS)-40 CFR 60, Subpart Da, for the pulverized coal main boiler.

I HEREBY CERTIFY that the air pollution control engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including, but not limited to, the electrical, mechanical, structural, hydrological, geological, and meteorological features).

This review was conducted by Tom Cascio under my responsible supervision.


Jonathan K. Holtom, P.E.
Registration Number: 0052664

6/24/08
Date



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 30, 2008

Electronic Mail – Received Receipt Requested.

Mr. Gary E. Willer, General Manager
Indiantown Cogeneration, L.P.
Post Office Box 1799
13303 SW Silver Fox Lane
Indiantown, Florida 34956

Re: Draft Air Construction Permit No. 0850102-017-AC
Draft/Proposed Title V Permit No. 0850102-018-AV
Indiantown Cogeneration, L.P., Indiantown Cogeneration Facility
Air Construction Permit and Title V Permit Revision

Dear Mr. Willer:

Enclosed is the draft air construction permit to correct the auxiliary boilers' hours and draft/proposed permit package to revise the Title V air operation permit for the Indiantown Cogeneration Facility. This facility is located in Martin County at 13303 SW Silver Fox Lane, Indiantown, Florida. The permit package includes the following documents:

- The draft/proposed air construction permit which corrects the auxiliary boilers hours restriction.
- The Statement of Basis, which summarizes the facility, the equipment, the primary rule applicability, and the changes since the last Title V revision.
- The draft/proposed Title V air operation permit revision, which include the specific permit conditions that regulate the emissions units covered by the proposed project.
- The Written Notice of Intent to Issue Air Permit provides important information regarding: the Permitting Authority's intent to issue air permits for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue air permits; the procedures for submitting comments on the revised Draft Permits; the process for filing a petition for an administrative hearing; and the availability of mediation.
- The Public Notice of Intent to Issue Air Permits is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project.

If you have any questions, please contact the Project Engineer, Tom Cascio, by telephone at 850-921-9526 or by email at tom.cascio@dep.state.fl.us.

Sincerely,

Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/jkh/tbc

Enclosures

**WRITTEN NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AND TITLE V AIR
OPERATION PERMIT REVISION**

In the Matter of an

Application for Air Construction Permit and Title V Air Operation Permit by:

Indiantown Cogeneration, L.P.
Post Office Box 1799
13303 SW Silver Fox Lane
Indiantown, Florida 34956

Responsible Official:

Gary E. Willer, General Manager

Draft Permit 0850102-017-AC
Draft/Proposed Permit 0850102-018-AV
Facility ID No. 0850102
Indiantown Cogeneration Facility
Auxiliary Boilers Hours Correction
Martin County, Florida

Facility Location: Indiantown Cogeneration, L.P. operates the Indiantown Cogeneration Facility, which is located at 3303 SW Silver Fox Lane, Indiantown, in Martin County, Florida.

Project: The purpose of this project is to issue an air construction (AC) permit and revise Title V air operation permit No. 0850102-013-AV. Specifically, this project is to revise the Indiantown Cogeneration Facility's Title V air operation permit to (1) correct the permitted hours for the Auxiliary Boilers and (2) update the specific conditions related to New Source Performance Standards (NSPS) - 40 Code of Federal Regulations (CFR) 60, Subpart Da, for the Pulverized Coal Main Boiler.

The facility's current Title V Air Operation Permit contains Specific Condition F.7. that states erroneously that "The combined operation of the auxiliary boilers shall not exceed 5,000 hours during any consecutive 12-month period." Department records show that the original October 2005 construction permit application stated "Each boiler will be operated for a maximum of 5,000 hours per year." The erroneous wording was adopted from the previously issued final AC permit 0850102-008-AC. The erroneous wording was also included in the Technical Evaluation and Preliminary Determination that supported the AC permit. Therefore, the operating hours language needs to be corrected to indicate 5,000 hours per year per boiler. We note that Specific Condition F.11. of the facility's Title V permit properly shows tons per year calculations based on allowable hours of 5,000 hours per year per boiler, so no new analysis of emissions is required. Further details of the project are provided in the application, the enclosed Statement of Basis and the Technical Evaluation and Preliminary Determination.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work.

Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, F.S. and Chapters 62-4, 62-210, 62-213 and 62-296.470 of the F.A.C. The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Air Construction Permit, the Draft/Proposed Title V Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft Air

Indiantown Cogeneration, L.P.
Indiantown Cogeneration Facility

Draft 0850102-017-AC
Draft/Proposed 0850102-018-AV
Auxiliary Boilers Hours Correction

**WRITTEN NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AND TITLE V AIR
OPERATION PERMIT REVISION**

Construction Permit and the Draft/Proposed Title V Permit by visiting the following website:
<http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above.
Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Permit: The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

The Permitting Authority gives notice of its intent to issue a revised Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft/Proposed Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permits (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft air construction permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

The Permitting Authority will accept written comments concerning the Draft/Proposed Title V air operation permit for a period of 30 days from the date of publication of the attached Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information,

Indiantown Cogeneration, L.P.
Indiantown Cogeneration Facility

Draft 0850102-017-AC
Draft/Proposed 0850102-018-AV
Auxiliary Boilers Hours Correction

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OPERATION PERMIT REVISION**

contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft/Proposed Permit, the Permitting Authority shall issue a Revised Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

EPA Review: EPA has agreed to treat the Draft/Proposed Title V air operation permit as a Proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public

Indiantown Cogeneration, L.P.
Indiantown Cogeneration Facility

Draft 0850102-017-AC
Draft/Proposed 0850102-018-AV
Auxiliary Boilers Hours Correction

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OPERATION PERMIT REVISION**

comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The Final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

**WRITTEN NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AND TITLE V AIR
OPERATION PERMIT REVISION**

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permits package (including the Public Notice, the Statement of Basis, the Draft Air Construction Permit, and the Draft/Proposed Permit) was sent by electronic mail with received receipt requested before the close of business on 7/1/08 to the persons listed below.

Gary E. Willer, ICLP: GaryWiller@Cogentrix.com

Nicholas Laryea, ICLP: NicholasLaryea@Cogentrix.com

George S. Lipka, P.E., EnviroBusiness, Inc.: glipka@ebiconsulting.com

Lee Hoefert, P.E., Southeast District Office: lee.hoefert@dep.state.fl.us

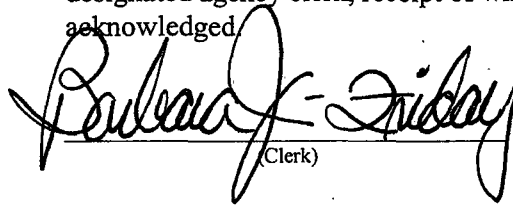
Gracy Danois, EPA Region 4: danois.gracy@epa.gov

Katy Forney, EPA Region 4: forney.kathleen@epa.gov

Barbara Friday, DEP BAR: Barbara.Friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date,
pursuant to Section 120.52(7), Florida Statutes, with the
designated agency clerk, receipt of which is hereby
acknowledged.



(Clerk) 7/1/08

(Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AND TITLE V AIR OPERATION PERMIT REVISION

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft Air Construction Permit No. 0850102-017-AC
Draft/Proposed Title V Air Operation Permit Revision No. 0850102-018-AV
Indiantown Cogeneration, L.P., Indiantown Cogeneration Facility
Martin County, Florida

Applicant: The applicant for this project is Indiantown Cogeneration, L.P. The applicant's authorized representative and mailing address is: Gary E. Willer, General Manager, Indiantown Cogeneration, L.P., Indiantown Cogeneration Facility, Post Office Box 1799, 13303 SW Silver Fox Lane, Indiantown, Florida, 34956.

Facility Location: Indiantown Cogeneration, L.P., operates the existing Indiantown Cogeneration Facility, which is located in Martin County at 13303 SW Silver Fox Lane in Indiantown, Florida.

Project: The purpose of this project is to issue an air construction permit and revise Title V air operation permit No. 0850102-013-AV. Specifically, this project is to revise the Indiantown Cogeneration Facility's Title V air operation permit to (1) correct the permitted hours for the Auxiliary Boilers and (2) update the specific conditions related to New Source Performance Standards (NSPS) - 40 Code of Federal Regulations (CFR) 60, Subpart Da, for the Pulverized Coal Main Boiler.

The facility's current Title V Air Operation Permit contains Specific Condition F.7. that states erroneously that "The combined operation of the auxiliary boilers shall not exceed 5,000 hours during any consecutive 12-month period." Department records show that the original October 2005 air construction (AC) permit application stated "Each boiler will be operated for a maximum of 5,000 hours per year." The erroneous wording was adopted from the previously issued final AC permit 0850102-008-AC. The improper wording was also included in the Technical Evaluation and Preliminary Determination that supported the AC permit. Therefore, the operating hours language needs to be corrected to indicate 5,000 hours per year per boiler. We note that Specific Condition F.11. of the facility's Title V permit properly shows tons per year calculations based on allowable hours of 5,000 hours per year per boiler, so no new analysis of emissions is required.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project.

Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, F.S. and Chapters 62-4, 62-210, 62-213 and 62-296.470 of the F.A.C. The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Air Construction Permit, the Draft/Proposed Title V Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft Air Construction Permit and the Draft/Proposed Title V Permit by visiting the following website:

<http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above.

Interested persons may contact the Permitting Authority's project review engineer for additional information at

(Public Notice to be Published in the Newspaper)

**PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT AND TITLE V AIR
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the address or phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

The Permitting Authority gives notice of its intent to issue a Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft/Proposed Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft air construction permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

The Permitting Authority will accept written comments concerning the Draft/Proposed Title V air operation Permit for a period of 30 days from the date of publication of this Public Notice. Written comments and all e-mail comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address or email. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Florida Administrative Weekly (FAW) at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft/Proposed Permit, the Permitting Authority shall issue a Revised Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any

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OPERATION PERMIT REVISION**

subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.

EPA Review: EPA has agreed to treat the Draft/Proposed Title V air operation permit as a Proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The Final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

**TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION**

Indiantown Cogeneration, L.P.
Indiantown Cogeneration Plant
Auxiliary Boilers Hours Correction
Martin County

DEP File No. 0850102-017-AC



Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Title V Section

June 30, 2008

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1. GENERAL PROJECT INFORMATION

Applicant Name and Address

Indiantown Cogeneration, L.P.
P.O. Box 1799
13303 S.W. Silver Fox Lane
Indiantown, Florida 34956

Authorized Representative:

Mr. Gary E. Willer, General Manager

Processing Schedule

April 30, 2008: Air construction permit application received.

Facility Description and Location

Indiantown Cogeneration, L.P. owns and operates the Indiantown Cogeneration Plant, a facility that generates electricity for sale and exports steam to the Louis Dreyfus Citrus Processing Plant. The facility includes one high-pressure pulverized coal main boiler (PC boiler), rated at 3,422 million British thermal units (MMBtu)/hour heat input, and has a nominal net electrical power output of approximately 330 megawatts (MW). It is permitted to fire natural gas, propane, or No. 2 fuel oil for startup, shutdown, or load changes. The unit is equipped with low nitrogen oxides (NO_x) burners, overfire air, a steam coil air heater and air preheater, dual register burners and windbox design, a selective catalytic reduction system, a spray dryer absorber, and a fabric filter baghouse. Also included are two identical auxiliary boilers used for supplying steam to the steam host during times when the PC boiler is offline, as well as during PC boiler startup and shutdown periods. This facility is located 9 miles east of Lake Okeechobee, and 3 miles northwest of Indiantown, Martin County; Universal Transverse Mercator (UTM) Coordinates are: Zone 17, 422.3 km East and 2952.9 km North; Latitude: 27° 02' 20" North and Longitude: 80° 30' 45" West.

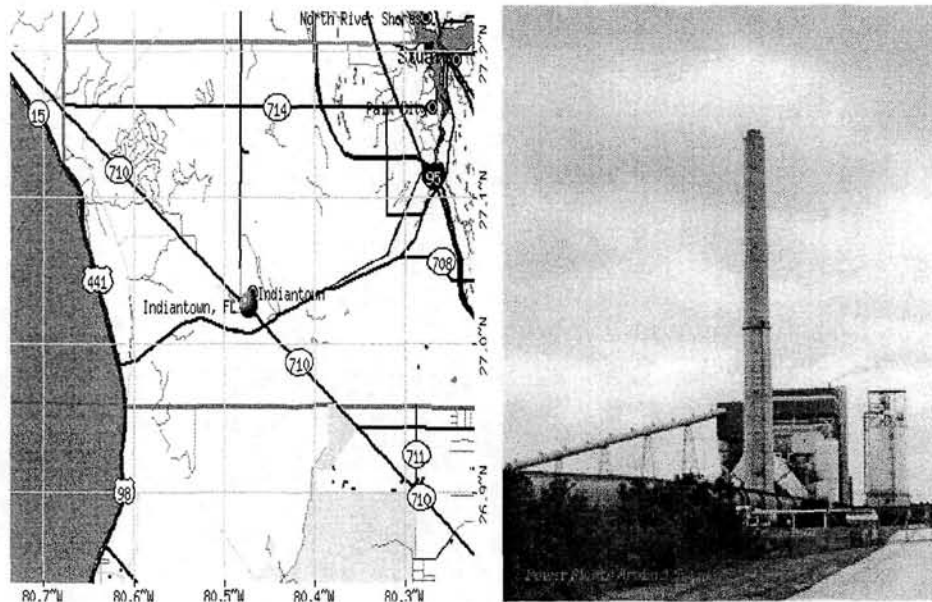


Figure 1. Map of Indiantown Site Location and Photograph of Indiantown Cogeneration Plant.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Major Regulatory Categories

The key regulatory provisions applicable to the facility are:

Title I, Part C, Clean Air Act (CAA): The facility is located in an area that is designated as “attainment”, “maintenance”, or “unclassifiable” for each pollutant subject to a National Ambient Air Quality Standard (NAAQS). It is classified as a “fossil fuel-fired steam electric plant of more than 250 million BTU per hour of heat input”, which is one of the 28 Prevention of Significant Deterioration (PSD) Major Facility Categories with the lower PSD applicability threshold of 100 tons per year. Potential emissions of at least one regulated pollutant exceed 100 tons per year, therefore the facility is classified as a “major stationary source” of air pollution with respect to Rule 62-212.400, F.A.C., Prevention of Significant Deterioration of Air Quality.

Title I, Section 111, CAA: The PC boiler is subject to Subpart Da (Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978) of the New Source Performance Standards in 40 CFR 60.

Title I, Section 112, CAA: The facility is a “Major Source” of hazardous air pollutants (HAP).

Title V, CAA: The facility is a Title V or “Major Source of Air Pollution” in accordance with Chapter 62-213, F.A.C., because the potential emissions of at least one regulated pollutant exceed 100 tons per year. Regulated pollutants include pollutants such as carbon monoxide (CO), NO_x, particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), and volatile organic compounds (VOC). The plant currently operates under Title V Air Operations Permit No. 0850102-013-AV.

CAIR: The facility is subject to the Federal Clean Air Interstate Rule (CAIR) in accordance with the Final Department Rules issued pursuant to CAIR as implemented by FDEP in Rule 62-296.470, F.A.C.

CAM: The facility is subject to compliance assurance monitoring (CAM). Because continuous emissions monitors (CEMS) are used to demonstrate compliance with the applicable standards for NO_x and SO₂, a CAM plan is not required for either the selective catalytic reduction (SCR) system, or the spray dryer absorber. However, a CAM plan is required for the fabric filter baghouse.

Siting: The facility is a steam electrical generating plant and is subject to the power plant siting provisions of Chapter 62-17, F.A.C.

Proposed Project

This permit corrects the wording of the limitation of operating hours originally specified in 0850102-008-AC for the two auxiliary boilers located at the facility. The facility’s current Title V Air Operation Permit contains Specific Condition F.7. that states erroneously that “The combined operation of the auxiliary boilers shall not exceed 5,000 hours during any consecutive 12-month period.” Department records show that the original October 2005 construction permit application stated “Each boiler will be operated for a maximum of 5,000 hours per year.” The erroneous wording was adopted from the previously issued final AC permit 0850102-008-AC. The erroneous wording was also included in the Technical Evaluation and Preliminary Determination that supported the AC permit. Therefore, the operating hours language needs to be corrected to indicate 5,000 hours per year per boiler. We note that Specific Condition F.11. of the facility’s Title V permit properly shows tons per year calculations based on allowable hours of 5,000 hours per year per boiler, so no new analysis of emissions is required. Further details of the problem follow below.

Analysis of Error

Department records show that the original October 2005 construction permit application stated that the new emissions unit consisted of “two packaged watertube steam boilers with a combined maximum rated capacity of 350 MMBtu/hr when firing natural gas and 341 MMBtu/hr when firing propane. Each boiler

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

will be operated for a maximum of 5,000 hours per year.” Recent discussions with the applicant revealed that (1) each boiler can run independently, and (2) these combined maximum rated capacities were derived by adding the *individual* boiler maximum rated capacities of 175 MMBtu/hr/boiler (for natural gas) and 170.5 MMBtu/hr/boiler (for propane). The Technical Evaluation and Preliminary Determination that supported the earlier AC permit derived maximum potential to emit (PTE) pollutant emissions using the *combined* maximum rated capacity of 350 MMBtu/hr for all calculations. Therefore, the Department’s conclusion is that the proper hours limitation language for the auxiliary boilers is “each boiler is limited to a maximum of 5,000 hours per year.”

3. REGULATIONS THAT APPLY TO THE PROJECT

State Regulations

This project is subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The Florida Statutes authorize the Department of Environmental Protection to establish rules and regulations regarding air quality as part of the Florida Administrative Code (F.A.C.). This project is subject to the applicable rules and regulations defined in the following Chapters of the Florida Administrative Code. These include: 62-4 (Permitting Requirements); 62-204 (Ambient Air Quality Requirements, PSD Increments, and Federal Regulations Adopted by Reference); 62-210 (Permits Required, Public Notice, Reports, Stack Height Policy, Circumvention, Excess Emissions, and Forms); 62-212 (Preconstruction Review, PSD Review and BACT); 62-213 (Title V Air Operation Permits for Major Sources of Air Pollution); 62-296 (Emission Limiting Standards); and 62-297 (Test Methods and Procedures, Continuous Monitoring Specifications, and Alternate Sampling Procedures).

4. OTHER APPLICABLE REGULATIONS

The requirements already listed in the facility’s existing Title V Air Operation Permit No. 0850102-013-AV are comprehensive and sufficient for the future operation of the facility. The main additional requirement is for an air construction permit pursuant to Rules 62-4, 62-210 and 62-212.300, F.A.C., to proceed with the project.

PERMITTEE

Indiantown Cogeneration, L.P.
P.O. Box 1799
13303 SW Silver Fox Lane
Indiantown, Florida 34596

Authorized Representative:

Mr. Gary E. Willer, General Manager

Air Permit No. 0850102-017-AC Facility ID No. 0850102 SIC No. 4931 Auxiliary Boilers Hours Correction Permit Expires: December 31, 2008

PROJECT AND LOCATION

This permit corrects the wording of the limitation of operating hours originally specified in 0850102-008-AC for the two auxiliary boilers located at the Indiantown Cogeneration Plant (the facility). The facility is located in Martin County at 13303 SW Silver Fox Lane, Indiantown, Florida 34956.

STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.) and Title 40, Parts 60 and 63 of the Code of Federal Regulations (CFR). The permittee is authorized to install the proposed equipment in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department.

CONTENTS

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Emissions Units Specific Conditions
- Section 4. Appendices

Joseph Kahn, Director
Division of Air Resource Management

(Date)

SECTION 1. GENERAL INFORMATION

FACILITY AND PROJECT DESCRIPTION

The Indiantown Cogeneration Plant is a cogeneration facility which generates electricity for sale and exports steam to the Louis Dreyfus Citrus Processing Plant. This facility is located 9 miles east of Lake Okeechobee, and 3 miles northwest of Indiantown, Martin County; UTM Coordinates: Zone 17, 422.3 km East and 2952.9 km North; Latitude: 27° 02' 20" North and Longitude: 80° 30' 45" West. The facility includes one high-pressure pulverized coal main boiler (PC boiler) rated at 3,422 million British thermal units (MMBtu)/hour heat input, and has a nominal net electrical power output of approximately 330 megawatts (MW). It is permitted to fire natural gas, propane, or No. 2 fuel oil for startup, shutdown, or load changes.

Also included are two natural gas (or propane) fired identical auxiliary boilers used for supplying steam to the steam host during times when the PC boiler is offline, as well as during PC boiler startup and shutdown periods. The two identically sized packaged water-tube steam boilers have a combined rated maximum capacity of 350 MMBtu/hr. Steam produced by the auxiliary boilers is not used to generate electricity. In addition, the facility has a variety of ancillary equipment needed to support operations as a coal-fired cogeneration plant.

This permit corrects the wording of the limitation of operating hours originally specified in 0850102-008-AC for the two auxiliary boilers located at the facility. The facility's current Title V Air Operation Permit contains Specific Condition F.7. that states erroneously that "The combined operation of the auxiliary boilers shall not exceed 5,000 hours during any consecutive 12-month period." Department records show that the original October 2005 construction permit application stated "Each boiler will be operated for a maximum of 5,000 hours per year." The erroneous wording was adopted from the previously issued final AC permit 1050102-008-AC. The erroneous wording was also included in the Technical Evaluation and Preliminary Determination that supported the AC permit. Therefore, the operating hours language needs to be corrected to indicate 5,000 hours per year per boiler. We note that Specific Condition F.11. of the facility's Title V permit properly shows tons per year calculations based on allowable hours of 5,000 hours per year per boiler, so no new analysis of emissions is required.

ID	Emission Unit Description
007	Emissions Unit 007 includes (2) Victory Energy Model 23M Keystone packaged water-tube steam boilers each with a maximum rated capacity of 175 MMBtu/hr (combined maximum rated capacity of 350 MMBtu/hr) when firing natural gas and 170.5 MMBtu/hr (341 MMBtu/hr combined) when firing propane.

REGULATORY CLASSIFICATION

Title III: The facility is a potential major source of hazardous air pollutants (HAP).

NESHAP: The facility does not operate units subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 Code of Federal Regulations (CFR) 63.

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 213, Florida Administrative Code (F.A.C.).

PSD: The facility is a Prevention of Significant Deterioration (PSD)-major stationary source in accordance with Rule 62-212.400, F.A.C.

CAIR: The facility is subject to the Clean Air Interstate Rule (CAIR).

CAM: The facility is subject to compliance assurance monitoring (CAM). Because continuous emissions monitors (CEMS) are used to demonstrate compliance with the applicable standards for NO_x

SECTION 1. GENERAL INFORMATION

and SO₂, a CAM plan is not required for either the selective catalytic reduction (SCR) system, or the spray dryer absorber. However, a CAM plan is required for the fabric filter baghouse.

Siting: The facility is subject to Power Plant Siting Case No. PA 90-31.

RELEVANT DOCUMENTS

The following relevant documents are not a part of this permit, but helped form the basis for this permitting action: the permit application and additional information received to make it complete, and the Technical Evaluation and Preliminary Determination.

DRAFT

SECTION 2. ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority: The Permitting Authority for this project is the Bureau of Air Regulation in the Division of Air Resource Management of the Department. The mailing address for the Bureau of Air Regulation is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Southeast District Office. The mailing address and phone number of the Southeast District Office are: 400 North Congress Avenue, West Palm Beach, Florida 33401, Telephone: 561/681-6600, Fax: 561/681-6755.
3. Appendices: The following Appendices are attached as part of this permit: Appendix GC (General Conditions); and Appendix C (Common State Regulatory Requirements).
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. Modifications: No emissions unit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]

SECTION 3. EMISSIONS UNITS SPECIFIC CONDITIONS

This section of the permit addresses the following emissions unit.

AIR RESOURCE MANAGEMENT SYSTEM (ARMS) Emissions Unit 007

Emissions Unit 007 includes (2) Victory Energy Model 23M Keystone packaged water-tube steam boilers each with a maximum rated capacity of 175 MMBtu/hr (combined maximum rated capacity of 350 MMBtu/hr) when firing natural gas and 170.5 MMBtu/hr (341 MMBtu/hr combined) when firing propane.

{Permitting Note: The unit remains subject to the applicable requirements of current Title V Air Operation Permit No. 0850102-013-AV.}

PREVIOUS APPLICABLE REQUIREMENTS

1. Other Permits: Condition 2 of this permit replaces Condition 4 in air construction permit 0850102-008-AC, and Condition 3 replaces Condition 6 in air construction permit 0850102-008-AC. [Rule 62-4.070, F.A.C.]

EQUIPMENT AND PERFORMANCE RESTRICTIONS

2. Permitted Capacity: the combined heat input to the identically sized auxiliary boilers shall not exceed 350 MMBtu per hour while firing natural gas, or 341 MMBtu per hour while firing propane. The heat input to each auxiliary boiler shall not exceed 175 MMBtu per hour while firing natural gas, or 170.5 MMBtu per hour while firing propane. [Design, Rule 62-210.200, F.A.C. (Definition - PTE); and 0850102-008-AC, Specific Condition 4.]
3. Hours of Operation: The operation of each auxiliary boiler shall not exceed 5,000 hours during any consecutive 12-month period. The permittee shall calibrate, operate and maintain a monitoring system to measure and accumulate the amount of natural gas as well as propane fired and the hours of operation for each auxiliary boiler. [Rule 62-210.200, F.A.C. (Definitions - PTE), Rule 62-212.400 (2)(g), F.A.C. (PSD Avoidance); and 0850102-008-AC, Specific Condition 6.]

SECTION 4. APPENDIX C
COMMON STATE REGULATORY REQUIREMENTS

{Permitting Note: Unless otherwise specified by permit, the following conditions apply to all emissions units and activities at the facility.}

EMISSIONS AND CONTROLS

1. **Plant Operation - Problems:** If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. **Circumvention:** The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. **Excess Emissions Allowed:** Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
4. **Excess Emissions Prohibited:** Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. **Excess Emissions - Notification:** In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. **VOC or OS Emissions:** No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. **Objectionable Odor Prohibited:** No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(217), F.A.C.]
8. **General Visible Emissions:** No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. **Unconfined Particulate Emissions:** During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

TESTING REQUIREMENTS

10. **Required Number of Test Runs:** For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]

SECTION 4. APPENDIX C
COMMON STATE REGULATORY REQUIREMENTS

11. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]
12. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
13. Test Procedures: Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C.
 - a. Required Sampling Time. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. The minimum observation period for a visible emissions compliance test shall be thirty (30) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur.
 - b. Minimum Sample Volume. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.
 - c. Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.
[Rule 62-297.310(4), F.A.C.]
14. Determination of Process Variables:
 - a. Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
 - b. Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.
[Rule 62-297.310(5), F.A.C.]
15. Sampling Facilities: The permittee shall install permanent stack sampling ports and provide sampling facilities that meet the requirements of Rule 62-297.310(6), F.A.C.
16. Test Notification: The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator. [Rule 62-297.310(7)(a)9, F.A.C.]
17. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]
18. Test Reports: The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to

SECTION 4. APPENDIX C
COMMON STATE REGULATORY REQUIREMENTS

determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard and the resulting maximum allowable emission rate for the emissions unit plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]

RECORDS AND REPORTS

19. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2, F.A.C.]
20. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

SECTION 4. APPENDIX GC
GENERAL PERMIT CONDITIONS

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
 - a. Have access to and copy and records that must be kept under the conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of non-compliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73

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and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (not applicable to project);
 - b. Determination of Prevention of Significant Deterioration (not applicable to project); and
 - c. Compliance with New Source Performance Standards (not applicable to project).
14. The permittee shall comply with the following:
 - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - 1) The date, exact place, and time of sampling or measurements;
 - 2) The person responsible for performing the sampling or measurements;
 - 3) The dates analyses were performed;
 - 4) The person responsible for performing the analyses;
 - 5) The analytical techniques or methods used; and
 - 6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.